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Attorneys for Defendant Brigham Young University

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

ROSCOE EVANS, an individual on behalf of
himself and all others similarly situated,

Plaintiff,

v.

BRIGHAM YOUNG UNIVERSITY, a Utah
corporation,

Defendant.

**DEFENDANT’S *EX PARTE* MOTION
FOR LEAVE TO FILE OVERLENGTH
OPPOSITION TO PLAINTIFF’S CLASS
CERTIFICATION AND SUPPORTING
MEMORANDUM**

Case No. 1:20-cv-00100-TS-CMR

Judge Ted Stewart

Magistrate Judge Cecilia M. Romero

Pursuant to DUCivR 7-1(e), Defendant Brigham Young University (“BYU”) respectfully moves this Court for leave to file an overlength Opposition to Plaintiff’s Class Certification and Supporting Memorandum. BYU’s Opposition consists of approximately 62 pages. Good cause exists and this overlength response is necessary to adequately address the legal standard and factual issues raised in Plaintiff’s overlength motion for class certification. In particular, BYU was required to marshal the facts under the correct legal standards, address the correct legal standards, hire an expert to respond to Plaintiff’s vague and changing damage theories, and

provide the Court the appropriate factual and legal analysis. This motion is accompanied by a proposed Order.

DATED: October 1, 2021.

RAY QUINNEY & NEBEKER P.C.

/s/ Samuel C. Straight

James S. Jardine

Samuel C. Straight

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October, 2021 the foregoing **DEFENDANT'S EX PARTE MOTION FOR LEAVE TO FILE OVERLENGTH OPPOSITION TO PLAINTIFF'S CLASS CERTIFICATION AND SUPPORTING MEMORANDUM** was electronically filed with the Clerk of Court using the Federal Court/ECF which sent notification of such to all counsel of record:

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/s/ Brandy Sears